

Appl. No.: 10/606,305  
Reply to Office Action of July 14, 2005

Docket No. 110275.129 US1

### **REMARKS**

In the Office Action, the Examiner noted that claims 1-39 are pending in the application, that claims 1-31 are allowed, and that claims 32-39 are rejected. By this amendment, claims 32-39 have been cancelled, without prejudice or disclaimer. Thus, claims 1-31 are pending in the application. The Examiner's rejections are traversed below.

#### **Rejection of Claims 32-39 under 35 U.S.C. §§ 102 and 103**

Claims 32-39 are rejected as anticipated by, or obvious over, one or more of U.S. Patent 6,266,537 to Kashitani, U.S. Patent 6,697,415 to Mahany and/or U.S. Patent 6,438,215 to Skladman.

U.S. Patent 6,266,537, entitled "Radio communication system" merely relates to a polling signal transmitting system in wireless communication. The system transmits a long distance polling signal with large transmitting power, and a short distance polling signal with weak transmitting power, based on range of wireless zone. Specifically, each base station includes a transmission output control section for controlling the transmission output of a polling signal to sequentially form a plurality of radio zones having different coverages, a section for receiving responses from the plurality of mobile stations to a plurality of polling signals having different transmission outputs and determining the position of each of the mobile stations in a specific one of the plurality of radio zones. Accordingly, this prior art reference appears significantly different than the present invention's polling process, for example, where the wireless device transmits an indication of whether a message is to be transmitted in response to a polling message.

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U.S. Patent 6,697,415, entitled "Spread spectrum transceiver module utilizing multiple mode transmission," relates to a multi mode spread spectrum radio communication system for LAN, e.g. in factory – and has fixed and mobile transceivers. Each transceiver is capable of various modes of spread spectrum operation, and control system that dynamically chooses mode. The transceiver module has multiple user or program configurable data rates, modulation, channelization and process gain in order to maximize the performance of radio data transmissions and to maximize interference immunity. The wireless access devices also support a second channel, a busy/control channel, for managing communication on the main communication channel. Accordingly, this prior art reference appears significantly different than the present invention's polling process.

U.S. Patent 6,438,215, entitled "Method and system for filter based message processing in a unified messaging system," relates to the processing of messages in a unified messaging system. In particular, the system enables legacy e-mail, voice mail and facsimile systems to be integrated with a unified messaging system. The system includes a filter or mechanism, which enables the user to filter certain message attributes such as the identification of the sender, recipient or the subject header or the message type to enable messages to be processed in accordance with the recipients, wishes. Accordingly, this prior art reference appears significantly different than the present invention's polling process.

To expedite prosecution, however, Applicant has cancelled claims 32-39, without prejudice or disclaimer. In addition, Applicant is not disclaiming equivalents of the allowed

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claims 1-31, nor is Applicant disclaiming any specific embodiments of the present invention.

Accordingly, Applicant respectfully submits that the combination of limitations recited in allowed claims 1031 patentably distinguishes over the prior art, when each claim is interpreted as a whole.

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### CONCLUSION

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution and/or explicitly recite that which is already present within the claims. Moreover, Applicant reserves the right to pursue the original and/or complimentary subject matter recited in the present claims in a continuation application.

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Any claims that have been cancelled are hereby cancelled without prejudice or disclaimer, and Applicant reserves the right to further prosecute these claims in continuing applications. In addition, Applicant has attempted to claim all embodiments disclosed in the present application, and no disclaimer of any embodiments is hereby intended by the presently pending claims.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents, i.e., all equivalents that are substantially the same as the presently claimed invention.

Further, Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

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For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

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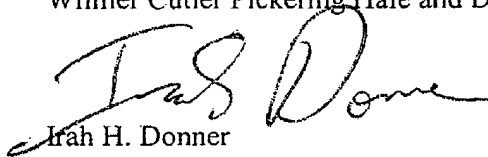
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP



Ira H. Donner  
Registration No. 35,120

399 Park Avenue  
New York, NY 10022  
TEL (212) 230-8887  
FAX (212) 230-8888

Date: 1/17/06

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